

# The Wilmington Post.

VOLUME X.

WILMINGTON, NORTH CAROLINA, SUNDAY, OCT. 12, 1879.

Single Copies 5 Cents

NUMBER 41

WILMINGTON POST  
[ENTERED AT THE POSTOFFICE AT  
WILMINGTON, N. C., AS SECOND CLASS  
MATTER.]

## RATES OF ADVERTISING.

Fifty cents per line for the first insertion and twenty-five cents per line for each additional insertion.

Eight (8) lines, Nonpareil type, cost sixteen cents.

The subscription price to THE WILMINGTON POST is \$1.00 per year, six months \$7.50.

All communications on business should be addressed to THE WILMINGTON POST, Wilmington, N. C.

All advertisements will be charged a rate above rates, except on special contracts.

## LATE GENERAL NEWS.

Alexander Shepherd's operations in the Majada mines, in Mexico, to which large numbers of Americans are going to work, may possibly complicate affairs between Mexico and the United States. These mines are situated at the corners of the states of Sonora, Chihuahua, Sinaloa and Durango, about 300 miles from the Texas line.

The Hon. John Mr. Longston has made a speech in Washington in which he advocates the scattering of a portion of the colored people of the south over the country.

The broad-back Democrats of Massachusetts act as if they were going to make no effort in the present campaign, and thus leave nearly a clean fight between Butler and the Republicans.

The President and Secretary Sherman will both vote in Ohio, and Mr. Sherman is making speeches and aiding in the canvass.

Renton, the Georgia Treasurer, has been acquitted.

General Grant telegraphs that he will be in Galena in season to go to the meeting of the Army of Tennessee at Chicago.

Senator Conkling delivered a powerful address at the Brooklyn Academy on the night of the 8th, in advocacy of Mr. Cornell's election.

Because a Washington correspondent of the Charlotte *Observer*, wrote a letter saying that the Republicans of this state intended to run an independent Democrat for Governor, next year, and described a man selected, very much like Col. T. M. Holt of Alamance, Col. Holt, has come out with a letter saying that he will do no such thing. It strikes me that this is very much like,

"Little Mollie Baxter,  
Who refused before he wed her."

Capt. Payne of the Fifth Cavalry was posted in a tight place at Milk River in Montana by the Utes, and in a perilous condition, when he was rescued by Capt. Dodge of the Ninth Cavalry with about 40 colored troops. In the fight Major Thornborough was killed, together with nine subalterns and privates, and three officers and 35 men wounded. Reinforcements have been forwarded, and the Ute Indians will get a bad thrashing.

We return thanks to the Postoffice Department for appointing Republicans to office. The last five appointments made in this district have been good, sound, stewart Republicans; Mr. Worth, the Democrat, has been removed. Now, there are 17 more Democrats to go, and good, honest Republicans to be put in their places; when that is done we shall all give thanks.

The tools are not all dead, as will be seen from the following letter recommending Joe Turner, one of the most corrupt men in North Carolina, for Governor, on the Republican ticket. We will inform the author of this letter that the Republicans of the state are not going to be made tools of in 1880 as the Republicans of the 4th Congressional District, were in 1878. We acknowledge that it is an insult to the good people of North Carolina, to publish the letter, and we therefore offer our humble apology.

W. SPRINGS, N. C., Oct. 3, 1879.  
EDITOR WILMINGTON POST.—I have no time for political news, to write you like people will take who they would be brought out for Governor in opposition to the present state officers. There is I believe only one man in the state that can bear that name, and that is Josiah Turner of Hillsboro. Let every person in the state that is opposed to the Democratic party stop quarreling, and come to the place at the masthead. Hon. Josiah Turner for Governor, Col. Dickey for Lieutenant Gov., and the state can be carried like a flash for the ticket. Mr. Turner can carry a larger vote than any man that can be put out in opposition to the Democratic party. It will not do to enter this canvass unless we are all united to a man and the ticket men will carry peace, happiness and prosperity to all our people.

WESTERLY, N. C.

[From the Inter Ocean.]

## THE SUMMONS

BY ELLA WHEELER.

I think the leaf would sooner  
Than to hang alone in the orchard,  
In the bleak November day,  
And I think the fate of the flower,  
That falls in the midst of bloom,  
Is sweeter than if it lingered,  
To die in the autumn's gloom.

So me glowing golden morning,  
In the summer's summer time,  
As I stand in the perfect vigor  
And strength of my youth's glad prime,  
When my heart is light and happy,  
And the world seems bright to me,  
I would like to drop from this earth-Ho!  
As a green leaf drops from the tree.

Some day, when the golden glory  
Of June is over the earth,  
And the winds sing louder together,  
In the wild, and strain of birth,  
When the skies are clear and cloudless,  
As the skies of June can be,

I would like to have the summons  
Sent down from God to me.

I would not wait for the furrows,  
For the faded eyes and hair,  
But pass out, swift and sudden,  
I've grew hearted with care,  
I would break; some morn, in thy singing,  
Or rather in my springing, Ho!  
As the tulip flower will sometimes  
Drop all abloom from the stalk,

So in my youth's glad morning,  
While the summer walks abroad,  
I would like to hear the summons  
That must come, some time, from God,  
I would pass from the earth's perfection  
To the endless June above,

From the fullness of living and loving  
To the noon of immortal love.

## CITY ITEMS.

### NOTICE.

Our correspondents must curtail their productions. Let them cultivate brevity, and confine themselves to their subject. Don't wander. Write only on one side of the paper. This advice is given because we are obliged to throw many good articles into the scrap basket on account of length. Within certain restrictions our columns are open to the whole world. Be short, incisive and pointed. This advice is not meant for some of our very excellent contributors, who are models.

The Wilmington Compress Company will have their Presses in running order in a few days.

Maj. Craigill, Engineer in charge U. S. Improvements, of our river, was in the city on Tuesday last.

Mrs. Jas. H. Springer, has removed his coal and wood yard, to Water street, between Princess and Chestnut.

The following, recommended by the Clerk of the Market was referred to the committee on Market and Fees.

Ordered, That the Chief of Police, with the concurrence of the Clerk of the Market be required, and is hereby required and instructed, to have the stand for market carts changed from its present location, on Market and Second streets, to Front street, between Market and Orange streets; the change to be made on or before the 15th instant, and after that date no market carts to occupy any other stand but the latter.

A petition from sundry citizens for foot bridge over the Wilmington & Weldon Railroad, on Fourth street was granted, the city agreeing to furnish material to an amount not to exceed \$175.

A petition from Wilmington Steam Fire Engine Company No. 1, for an appropriation of one hundred dollars to aid in buying a horse to replace the one killed in service, was granted.

A resolution was adopted requesting the Board of Audit and Finance to reconsider their action disapproving the appropriation of \$100 to Mr. Walker Mearns, and that they grant the same.

A communication from Mr. H. Nutt was received and read. On motion, the case was reopened and the petitioner allowed to be heard by counsel.

The Mayor called the attention of the Board to the dock and wharf at the foot of Red Cross street, when the matter was referred to the committee on streets and wharves, to report at the next meeting of the Board.

A communication from Cato Bunting was read and referred to the finance committee.

Application from Lewis Bryant and O. Royal, to rent the city wharf at the foot of Mulberry street, was referred to the committee on Streets and Wharves.

The following Ordinance was adopted.

Ordered, That from Oct 6th, 1879, the City Hall shall not be rented, leased or used for purposes other than religious or charitable, and under no circumstances will dancing be allowed in the building.

Provided, further, That the Hall shall not be used for any purpose except on the payment of ten dollars per day or night and shall not be kept open after 1 o'clock at night.

On motion, the Board adjourned to meet on the first Monday in November next, at 2:30 p. m.

The Light Ship, built by Messrs. Cassidy & Ross, at their Marine Railways, was delivered to the government.

Capt. Samuel Hooker, of Br. Barque George Davis, died aboard his vessel, which was lying at anchor opposite Smithville. He was buried on Friday in the grave yard of that village.

Henry Murphy, alias Tate Murphy, was arrested on a bench warrant on Thursday charged with burglary. He was arraigned Friday and the case was set for trial, to-morrow at 10 o'clock.

Capt. John N. Maffit, has resigned the position of Justice of the Peace, in Harnett Township, and the vacancy has been filled by Mr. Stacy VanAnring, Clerk of the Superior Court, in the appointment of Mr. Jerry N. Hewlett, of the same Township. A very clever gentleman and good Republican.

Col. Charles R. Jones, Secretary of the Carolina Fair Association, at Charlotte, N. C., will accept our thanks for a complimentary ticket to the exhibition to come off on the 4th, 5th, 6th and 7th of November next. Col. Jones says, "From present indications, the management predict a larger, better, and more successful fair than has ever been held here."

The Board then adjourned.

Rice birds are scarce.

Cotton is coming in with a rush.

Mrs. C. W. Harriss is in New York.

Sounders have all come back to the city.

Our cotton factory is doing splendidly, so we are informed.

There are a great many improvements going on in the city.

The State Fair opens to-morrow, and holds during the week.

Jackson & Bell, are very excellent Job Printers—office on Front street.

Solicitor McIver says crime is very much on the decrease in his district.

The U. S. District Court convenes in this city the first week in November.

Two interments in Bellevue Cemetery during the past week, both children.

One adult and one child were interred in Oakdale Cemetery during the week.

Marriage licenses were issued to three white and five colored couples during the week.

The Superior Court of Brunswick convenes at Smithville on Monday the 20th instant.

Stacy VanAnring C. S. C. is to be thanked for appointing sound Republicans to office.

Solicitor McIver was in the city a few days ago, on his way home from Columbus Court.

Two capital cases, charged d. burglary, are to be tried during the present term of the Criminal Court.

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A petition from C. C. Railway Company to amend its tax list, was granted and ordered that said Company be permitted to withdraw its protest and list its personal property at the sum of \$10,000.

Ordered, that Walter Coney, agent be remitted, were remitted, the same having been charged twice, and the taxes against the estate of D. Fergus, valuation \$1,760, were ordered to be charged to W. C. Fergus.

The petition of the Fire Department is referred to the Board.

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[CONTINUED ON SECOND PAGE]  
and the priest were alike subject to the law. Even the High Priest could be called upon to account for his actions, and judgment passed against him. There was no "benefit of clergy" (*priuilegium clericorum*). The Rabbinic were too patriotic and too discrete to permit a body of men in their midst to be protected by, and at the same time independent of, the laws established for all the citizens of the State.<sup>50</sup> And even the royal house of David was subject to the authority of the Synhedron—but not the kings of the house of Israel—<sup>51</sup> the latter since the insubordination and atrocious behavior of Jannes.<sup>52</sup>

THE SYNEDRION.

We are now arrived at the second branch of our subject—the Synhedron or *Synod*, known also by the name of *Beth-Din* (court of justice).<sup>53</sup> In our inquiry, the term *Synhedron* will be more appropriately and conveniently used, for by the term *Beth-Din* was known also a kind of a judiciary committee, consisting of three members and having no jurisdiction in capital affairs.

The Synhedron, or the tribunal invested with the administration of justice in capital affairs, consisted of two members.<sup>54</sup>

Numerous and varied were the qualifications required to render an aspirant for judicial honors eligible. Besides true piety, unimpeachable character, a thorough knowledge of the law, of different languages—for the court was not allowed to avail itself of an interpreter—and of the various sciences necessary for the elucidation of complicated cases he was required to be a lineal descendant of Jewish parentage;<sup>55</sup> to be amiable of good appearance and not hasty.<sup>56</sup> He was moreover required to be advanced in years, but not too old, for high age is generally tempestuous; and a father of a family, that he might be amiable to legislators, adding only the usual conventional remark, "Present company excepted."<sup>57</sup>

III. THE TRIAL.

Having considered the nature of the various crimes, the conditions under which the culprit could be convicted, and the different modes of punishment; and having seen the qualifications entitling one to a seat in the synhedron, and how the court was constituted and organized—we shall now proceed to take in consideration the most important and interesting part of all jurisprudence—the trial.

I would indeed be a matter of great difficulty, if at all possible, to find a penal legislation, whether in the ancient, medieval or modern countries, more lenient than that of the Hebrews of old. We have seen many instances demonstrating this in our opinion; but the greatest case of the Rabbinic, the most anxious endeavors to save the life and limb of the innocent, are to be found in their procedure at trial.

In short, true merit alone entitled one to the hope of ever gaining a seat on the judicial bench. No fear or favor could actuate the Synhedron to elevate one to the dignity of judge, whose qualifications for that office were not of the highest order.<sup>58</sup> Nor was there practiced modern electioneering. Office hunting was unknown to the Rabbinic. If ever one obtained his seat by unfair means, no respect was shown to him, and his judicial robe was looked upon with disdain.<sup>59</sup>

In order to have resources whence to supply vacancies whenever needed, the Synhedron appointed three classes of notaries, each consisting of 23 members.

When never the occasion required it, the one occupying the first seat in the prothonotary's bench, was promoted to the last seat in the judges' bench.

The cause thus created by his removal, was filled by his immediate neighbour, who again was succeeded by his next colleague, and so on in rotation till the last one whose place was filled by the selection of a new prothonotary.<sup>60</sup>

The members of the Synhedron had their seats arranged in a semicircle—the chair occupying the middle seat on that all could see each other at once,<sup>61</sup> while the prothonotary occupied three rows of seats in front of them. The Synhedron employed two secretaries—one to record that part of the proceedings which was favorable to the accused, and another to note down that leading to conviction.<sup>62</sup>

Each city or town having a population of not less than one hundred and twenty men, was provided with such a court.<sup>63</sup> Jerusalem had two such tribunals<sup>64</sup> which exercised a certain extent also the functions of courts of appeal,<sup>65</sup> and which held their sessions at the entrance to the Temple mound and to the women's department respectively.<sup>66</sup>

The supreme authority in all matters, civil or political, religious, social or criminal, was invested in the Great Synhedron, whose seat was, during the time when capital punishment ceased to be inflicted by Jewish authorities, forty years before the destruction of Jerusalem by the Romans,<sup>67</sup> in a hall at the Temple, known as "Lishchath ha-gazit" (hall of the new stones).<sup>68</sup> This august body consisted of seventy members, selected from among the subordinate courts.<sup>69</sup> With the sanction of this tribunal, no public trial could legally be inaugurated.<sup>70</sup> Its opinion was final,<sup>71</sup> and under its jurisdiction stood even the royal house of David, and the High Priest.<sup>72</sup> This court was not obliged to have all the members present at its sessions. Twenty-three members thereof constituted a legal quorum for the transaction of its affairs.<sup>73</sup>

Each of these courts was organized by the election of the greatest one among its members as chief or president (Rosh) but that of the Great Synhedron was called "Nassi" (*Prince*), and his deputy, "Ab-Rech Din" (father of the court).<sup>74</sup>

Unlike that in Greece and Rome, the office of judge in Israel was one of trust, not of emolument; it was truly an office of honor, not of lucre and gain. Two days in each week, Monday and Thursday, the judge spent at court, for on these days the country people generally came to hear the reading of the law, and at the same time attended to their lawsuits.<sup>75</sup> The rest of the week he employed himself in earning a livelihood, if his services were desired, while he was engaged in his private pursuits, his

business, trade, and literary pursuits. All public and lawful persons (*liberos et libetos homines*) are admissible as witnesses in capital suits. Therefore women, minors, slaves, demented persons, deaf and dumb, and blind men (*propter defectum*); relations within the fourth degree, and persons directly interested in the case (*propter affectionem*); persons once convicted of felonies or strongly suspected thereof, gamblers, usurers, collectors of taxes or duty (*propter delictum*); illiterate and immodest persons (*propter respectum*)—are incompetent to swear away any man's life.<sup>76</sup> Even eating on the street is, according to the

25 Ketuboth 10a; Maimon, II, Sanh. xxii. 1, 8. 2 Sanhedrin 2a; Maimon, II, Sanh. v, 2. 3 Sanhedrin 17a; Maimon, Ibid. II, 1. 4 Ketuboth 10a; Maimon, Ibid. 1. 5 Tosephoth Chagigah, Sanhedrin 17a; Maimon 16a. 6 Sanh. 8a. 7 Ketuboth 10a. 8 Sanh. 10a; Maimon, Ibid. 1. 9 Ketuboth 10a; Maimon, Ibid. 10. 10 Ketuboth 10a; Maimon, Ibid. 11. 11 Ketuboth 10a; Maimon, Ibid. 12. 12 Ketuboth 10a; Maimon, Ibid. 13. 13 Sanhedrin 2a; Maimon, Ibid. 14. 14 Sanh. 10a; Maimon, Ibid. 15. 15 Sanh. 10a; Maimon, Ibid. 16. 16 Sanh. 10a; Maimon, Ibid. 17. 17 Sanh. 10a; Maimon, Ibid. 18. 18 Sanh. 10a; Maimon, Ibid. 19. 19 Sanh. 10a; Maimon, Ibid. 20. 20 Sanh. 10a; Maimon, Ibid. 21. 21 Sanh. 10a; Maimon, Ibid. 22. 22 Sanh. 10a; Maimon, Ibid. 23. 23 Sanh. 10a; Maimon, Ibid. 24. 24 Sanh. 10a; Maimon, Ibid. 25. 25 Sanh. 10a; Maimon, Ibid. 26. 26 Sanh. 10a; Maimon, Ibid. 27. 27 Ketuboth 10a; Maimon, Ibid. 28. 28 Ketuboth 10a; Maimon, Ibid. 29. 29 Ketuboth 10a; Maimon, Ibid. 30. 30 Ketuboth 10a; Maimon, Ibid. 31. 31 Ketuboth 10a; Maimon, Ibid. 32. 32 Ketuboth 10a; Maimon, Ibid. 33. 33 Ketuboth 10a; Maimon, Ibid. 34. 34 Ketuboth 10a; Maimon, Ibid. 35. 35 Ketuboth 10a; 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Maimon, Ibid. 150. 150 Ketuboth 10a; Maimon, Ibid. 151. 151 Ketuboth 10a; Maimon, Ibid. 152. 152 Ketuboth 10a; Maimon, Ibid. 153. 153 Ketuboth 10a; Maimon, Ibid. 154. 154 Ketuboth 10a; Maimon, Ibid. 155. 155 Ketuboth 10a; Maimon, Ibid. 156. 156 Ketuboth 10a; Maimon, Ibid. 157. 157 Ketuboth 10a; Maimon, Ibid. 158. 158 Ketuboth 10a; Maimon, Ibid. 159. 159 Ketuboth 10a; Maimon, Ibid. 160. 160 Ketuboth 10a; Maimon, Ibid. 161. 161 Ketuboth 10a; Maimon, Ibid. 162. 162 Ketuboth 10a; Maimon, Ibid. 163. 163 Ketuboth 10a; Maimon, Ibid. 164. 164 Ketuboth 10a; Maimon, Ibid. 165. 165 Ketuboth 10a; Maimon, Ibid. 166. 166 Ketuboth 10a; Maimon, Ibid. 167. 167 Ketuboth 10a; Maimon, Ibid. 168. 168 Ketuboth 10a; Maimon, Ibid. 169. 169 Ketuboth 10a; Maimon, Ibid. 170. 170 Ketuboth 10a; Maimon, Ibid. 171. 171 Ketuboth 10a; Maimon, Ibid. 172. 172 Ketuboth 10a; Maimon, Ibid. 173. 173 Ketuboth 10a; Maimon, Ibid. 174. 174 Ketuboth 10a; Maimon, Ibid. 175. 175 Ketuboth 10a; Maimon, Ibid. 176. 176 Ketuboth 10a; Maimon, Ibid. 177. 177 Ketuboth 10a; Maimon, Ibid. 178. 178 Ketuboth 10a; Maimon, Ibid. 179. 179 Ketuboth 10a; Maimon, Ibid. 180. 180 Ketuboth 10a; Maimon, Ibid. 181. 181 Ketuboth 10a; Maimon, Ibid. 182. 182 Ketuboth 10a; Maimon, Ibid. 183. 183 Ketuboth 10a; Maimon, Ibid. 184. 184 Ketuboth 10a; Maimon, Ibid. 185. 185 Ketuboth 10a; Maimon, Ibid. 186. 186 Ketuboth 10a; Maimon, Ibid. 187. 187 Ketuboth 10a; Maimon, Ibid. 188. 188 Ketuboth 10a; Maimon, Ibid. 189. 189 Ketuboth 10a; Maimon, Ibid. 190. 190 Ketuboth 10a; Maimon, Ibid. 191. 191 Ketuboth 10a; Maimon, Ibid. 192. 192 Ketuboth 10a; Maimon, Ibid. 193. 193 Ketuboth 10a; Maimon, Ibid. 194. 194 Ketuboth 10a; Maimon, Ibid. 195. 195 Ketuboth 10a; Maimon, Ibid. 196. 196 Ketuboth 10a; Maimon, Ibid. 197. 197 Ketuboth 10a; Maimon, Ibid. 198. 198 Ketuboth 10a; Maimon, Ibid. 199. 199 Ketuboth 10a; Maimon, Ibid. 200. 200 Ketuboth 10a; Maimon, Ibid. 201. 201 Ketuboth 10a; Maimon, Ibid. 202. 202 Ketuboth 10a; Maimon, Ibid. 203. 203 Ketuboth 10a; Maimon, Ibid. 204. 204 Ketuboth 10a; Maimon, Ibid. 205. 205 Ketuboth 10a; Maimon, Ibid. 206. 206 Ketuboth 10a; Maimon, Ibid. 207. 207 Ketuboth 10a; Maimon, Ibid. 208. 208 Ketuboth 10a; Maimon, Ibid. 209. 209 Ketuboth 10a; Maimon, Ibid. 210. 210 Ketuboth 10a; Maimon, Ibid. 211. 211 Ketuboth 10a; Maimon, Ibid. 212. 212 Ketuboth 10a; Maimon, Ibid. 213. 213 Ketuboth 10a; Maimon, Ibid. 214. 214 Ketuboth 10a; Maimon, Ibid. 215. 215 Ketuboth 10a; Maimon, Ibid. 216. 216 Ketuboth 10a; Maimon, Ibid. 217. 217 Ketuboth 10a; Maimon, Ibid. 218. 218 Ketuboth 10a; Maimon, Ibid. 219. 219 Ketuboth 10a; Maimon, Ibid. 220. 220 Ketuboth 10a; Maimon, Ibid. 221. 221 Ketuboth 10a; Maimon, Ibid. 222. 222 Ketuboth 10a; Maimon, Ibid. 223. 223 Ketuboth 10a; Maimon, Ibid. 224. 224 Ketuboth 10a; Maimon, Ibid. 225. 225 Ketuboth 10a; Maimon, Ibid. 226. 226 Ketuboth 10a; Maimon, Ibid. 227. 227 Ketuboth 10a; Maimon, Ibid. 228. 228 Ketuboth 10a; Maimon, Ibid. 229. 229 Ketuboth 10a; Maimon, Ibid. 230. 230 Ketuboth 10a; Maimon, Ibid. 231. 231 Ketuboth 10a; Maimon, Ibid. 232. 232 Ketuboth 10a; Maimon, Ibid. 233. 233 Ketuboth 10a; Maimon, Ibid. 234. 234 Ketuboth 10a; Maimon, Ibid. 235. 235 Ketuboth 10a; Maimon, Ibid. 236. 236 Ketuboth 10a; Maimon, Ibid. 237. 237 Ketuboth 10a; Maimon, Ibid. 238. 238 Ketuboth 10a; Maimon, Ibid. 239. 239 Ketuboth 10a; Maimon, Ibid. 240. 240 Ketuboth 10a; Maimon, Ibid. 241. 241 Ketuboth 10a; Maimon, Ibid. 242. 242 Ketuboth 10a; Maimon, Ibid. 243. 243 Ketuboth 10a; Maimon, Ibid. 244. 244 Ketuboth 10a; Maimon, Ibid. 245. 245 Ketuboth 10a; Maimon, Ibid. 246. 246 Ketuboth 10a; Maimon, Ibid. 247. 247 Ketuboth 10a; Maimon, Ibid. 248. 248 Ketuboth 10a; Maimon, Ibid. 249. 249 Ketuboth 10a; Maimon, Ibid. 250. 250 Ketuboth 10a; Maimon, Ibid. 251. 251 Ketuboth 10a; Maimon, Ibid. 252. 252 Ketuboth 10a; Maimon, Ibid. 253.

Talmud, sufficient to disqualify one from being a legal witness.<sup>15</sup>

Sec. 4. *Examination of witnesses.*—Without entering into those minor particulars of the trial, the will consider a few of those which deserve a separate compendium, and will briefly review the method of examining the witnesses. As in modern law, the Talmud imposes the burden of proof upon him who holds the affirmative. The prisoner is not alone not required to incriminate himself, but when he does so, his testimony against himself is incompetent to convict him. "No man can be a witness against himself." The Talmud, for he is his own kin,<sup>16</sup> and we have just seen that kinfolks are not admissible as witnesses. This however does not apply to the defense. In his own exculpation, the culprit is a competent witness.<sup>17</sup>

The legal axiom, "The law springs from the facts" (*ex facto oritur ius*) is found in the Talmud. The Rabbinical law prohibits going "behind the returns." It says: "The judge has nothing to do with him, but to decide before his eyes" is evidence and law.<sup>18</sup> It therefore prescribes that, before all, the witnesses should be admonished to speak the truth, and lays down a formula for that purpose. This is of so awful and striking a nature, that we deem it not superfluous to transcribe the whole of it. It runs thus:

"How are the judges to exhort, and

warn the witnesses that they are called upon to testify in criminal matters involving life?"

The witnesses are brought into the presence of the court, and cautioned

not to depose ought based upon con-

jecture or hear say, (as one witness

trusts another witness), even though

from a trustworthy man. They are

told that the court would proceed to

search and to try them with close ques-

tions and searching scrutiny.

If any one of them rises to speak for

the prosecution, he is ruled out of

order.<sup>31</sup>

After all had spoken, the votes are

counted. A majority of one is suffi-

cient for acquittal, but it requires a majority of at least two for conviction. Then

if guilty, the prisoner is at once pro-

nounced not guilty, and set at liberty.

But when, on the contrary, twelve are

for guilty and eleven for not guilty, the

verdict is not valid. In that case the

Syndications call two of the probations

to the judicial bench, and the novices

vote along. If these are also divided

in their opinions, the process of in-

vestigation is repeated, and so on, until

such circumstances, until there are on

the bench as many judges as there are

members in the Great Syndication—

seventy-one. And if after reaching

that number, there is again an invalid

verdict as before, i. e., there being a

majority consisting of only one vote, the

entire court remains in session and

continues to question the witness, until

the other witness hurls an imme-

diate blow upon the culprit's head.

*Persecution.*—The culprit is haled by

the requisite majority, as well as for

that of the victim himself. Again, in

the beginning only one man was created.

This fact should teach you to believe

that when you have committed a

single sin in life, and that whores saves a single

life in Israel is as meritorious as though he had saved the whole world.<sup>32</sup>

"... Yet on the other hand, ye

must not refrain from testifying by

reason of a desire to keep out of trouble

and responsibility; for does not Scripture declare: "The witness that hath seen a man commit a sin, and hath not told before his master?"—Lev. vi. 1. Nor

must ye say to yourselves, why should we incur the guilt of this man's blood, i. e., why should we be the instruments of his death?" The Bible says, "In the destruction of the wicked there is joy" (Prov. xi. 10), and if this man is indeed guilty he must be punished.<sup>33</sup>

This admonition having been ad-

dressed to them, all the witnesses retire

from the court room, save the principal

one who remains there to be examined,

his accusers leaving him to the judge and another. The judge is ordained to

question the witness closely, and to be

exceedingly guarded in their own utterances, lest the defendant might draw

from them hints how to answer eva-

sively.<sup>34</sup> In the course of the exami-

nation, the defendant is required to fur-

nish the exact date of the occurrence.

He must state the Sabbath year, the

day of the week and of the month and

the day itself. On the last of the

day must be given for 21 in case of mu-

ner and the day of the month with

which the deed was accomplished.

In cases of idolatry, the name of the idol

and the mode of worship have to be

stated. He is furthermore closely ques-

tioned regarding the administration of

the warning and the time that elapsed

between the warning and the trans-

gression.<sup>35</sup> Then followed a searching

cross examination.<sup>36</sup> Each judge is

to respect to the most minute particu-

lars, and if two witnessess contradict each other, the entire evi-

dence is discredited. Indeed R. Joha-

nanan tested the witnessess by an almost

literal *experimentum crucis*. A man

was accused of having committed a

murder near a fig tree. His accusers

were, in the course of the trial, required

by that sage to describe the figs, whether

they were white or black, whether they

had the stems or thick ones.<sup>37</sup>

Sec. 5. *Proof of direct and circumstantial*—As we have already seen, the

principal administration to witnessess all the evidence is to be direct, and not circumstantial. Even when the chain of evidence be ever so strong, if all the links therein are the results of direct *eyewitness* testimony, and that of at least two witnessess, the accused cannot be condemned to death. How far the Rabbi carried this to the extreme, may well be seen from the following occurrence recorded in the name of R. Simcha ben Shatash. He himself having perceived that in his pursuit after another who ran into a deserted building followed them. On entering, the Rabbi held in the purser's hand a sword from which dropped blood, while before him lay the victim, stretched on the ground and writhing in his own blood. Yet, exclaimed the Rabbi, "I cannot prosecute thee before a human tribunal."<sup>38</sup> In this case, notwithstanding there was a sufficient number of witnessess to prosecute, nor was the evidence of an admissible character. However good the authority thereof,

15. *Kidushin*, 6b; *Maimon.*, 6b, x. 5—*Ono*, *Responsum* on *Juda. Commiss.*, 22, 20.

16. *Maimon.*, 6b, x. 5.

17. *Maimon.*, 6b, x. 5.

18. *Maimon.*, 6b, x. 5.

19. *Maimon.*, 6b, x. 5.

20. *Maimon.*, 6b, x. 5.

21. *Maimon.*, 6b, x. 5.

22. *Maimon.*, 6b, x. 5.

23. *Maimon.*, 6b, x. 5.

24. *Maimon.*, 6b, x. 5.

25. *Maimon.*, 6b, x. 5.

26. *Maimon.*, 6b, x. 5.

27. *Maimon.*, 6b, x. 5.

28. *Maimon.*, 6b, x. 5.

29. *Maimon.*, 6b, x. 5.

30. *Maimon.*, 6b, x. 5.

31. *Maimon.*, 6b, x. 5.

32. *Maimon.*, 6b, x. 5.

33. *Maimon.*, 6b, x. 5.

34. *Maimon.*, 6b, x. 5.

35. *Maimon.*, 6b, x. 5.

36. *Maimon.*, 6b, x. 5.

37. *Maimon.*, 6b, x. 5.

38. *Maimon.*, 6b, x. 5.

and however strong, it was but circumstantial!

Sec. 6. *The argument.*—All the witnessess having been examined, and no one of them could decide, the court enters on deliberation. A spontaneous and unanimous verdict of guilty is equivalent to an *abstinent*.<sup>26</sup> This may appear rather strange, contrary to reason. But Rabbinic humanity accounts for it satisfactorily. A verdict of guilty could not, according to the Talmud, be rendered on the day of trial itself, but when he does so, his testimony against himself is incompetent to convict him. "No man can be a witness against himself." The Talmud, for he is his own kin,<sup>27</sup> and we have just seen that kinfolks are not admissible as witnesses. This however does not apply to the defense. In his own exculpation, the culprit is a competent witness.<sup>28</sup>

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